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SUBJECT: TURKEY: SMALL PARTY ALLEGES RIGHTS VIOLATIONS BY
SUPREME ELECTION BOARD

REF: ANKARA 1477

This is a joint ConGen Istanbul/Embassy Ankara Cable.

11. (SBU) SUMMARY. The minuscule Liberal Democrat Party (LDP) intends to file a complaint of "gross violations" of rights against Turkey's Supreme Election Board (SEB) with the European Court of Human Rights (ECHR). The SEB's decisions are final and may not be appealed to any body inside Turkey, so LDP is taking its case to the ECHR. Although the LDP obviously overreached in its pursuit of a stay of the July 22 elections, its complaint is shared by outside observers, including the Organization for Security and Cooperation in Europe (OSCE). LDP Chairman Cem Toker spoke to Mission officers about its case, and more generally about what he sees as unfair election procedures, including funding, media coverage, and mandatory documentation. He insisted that although his party has no hope of passing the 10% threshold required to join parliament, he will continue his advocacy for the protection of Turkish citizens, basic voting rights and freedoms. END SUMMARY.

12. (U) LDP's complaint stems from election filing requirements that can invalidate all of a party's candidates in a province because one candidate's paperwork is improperly filed. According to Toker, election regulations require parties contesting parliamentary seats in an electoral district to field one candidate for every seat to be awarded in the district. For each candidate, much paperwork is required, including copies of national identification and diplomas and a letter from the state prosecutor. If one candidate fails to provide all the paperwork (or it gets lost in the mail), their individual candidacy is declared invalid, and they are removed from the list. The provincial list is then incomplete, and consequently, all candidates in the district's list -- in other words, the party as a whole -- are excluded from the ballot in that district. LDP put forward 478 candidates (in 75 districts), only 15 of which were considered invalid. Because of this regulation, one-quarter of their candidates (120) were subsequently excluded, leaving LDP with candidates in only 62 districts. Their entire slate for Istanbul's third district, for instance, was ruled invalid because of one candidate's duplicate registration in Istanbul and Canakkale due to confusion over the candidate's married and maiden names.

13. (U) After the draft lists were submitted to the SEB (reftel), the SEB advised LDP (and all parties) of the gaps in documentation, which LDP scrambled to fill in the four-day window leading up to June 8. After that deadline, LDP received a letter from SEB advising that "because some of the candidates did not provide their paperwork, LDP has been withdrawn from the following cities..." However LDP claims

it was never advised of which candidates' dossiers were incomplete. (Note: LDP was notified of and had the opportunity to replace candidates with criminal records.)

14. (SBU) Attorney and co-founder of the Liberal Thinking Association, Kazim Berzeg, has agreed to take the case to the ECHR. Toker told Mission officers that he would be meeting with ECHR officials and that he intended to seek a stay of action on the election citing "the irreparable damage holding the election would cause, given this violation of rights of both the candidates and the voters."

15. (U) In an article about LDP's situation (June 27), national columnist Mehmet Ali Birand called the SEB a dictatorship and agreed that Toker's claims look serious. Other outside observers have also objected to the power wielded by the SEB; an OSCE preliminary election Needs Assessment Mission Report (June 2007) states that "the absence of appeal from an administrative decision... remain(s) contrary to OSCE commitments."

16. (U) LDP has announced its intention to take these complaints to the OSCE, UN, the National Democratic Institute (NDI), Carter Center, and the Parliamentary Assembly of the Council of Europe (PACE). LDP also has a lawsuit pending in Ankara concerning Treasury assistance to political parties, alleging that it violates the equity clause in the Constitution.

17. (SBU) Toker complained that his party faced many barriers in the parliamentary election. Unlike the Justice and Development Party (AKP), the Republican People's Party (CHP), the Nationalist Action Party (MHP), the Genc (Youth) Party (GP), and the True Path Party (DYP) (the predecessor to the Democrat Party), which were each given a percentage of 216.4

ISTANBUL 00000675 002 OF 002

million YTL from the Treasury for the election year, based on the parties' relative performances in the 2002 elections, the LDP did not receive financial support. According to Toker's calculations, the equivalent of 30 YTL for each voter was distributed among the leading parties. Similarly, he complained that although media laws say that there should be fair time and equal coverage for all parties, this policy is largely ignored. Like the other small parties, Toker was given two 10-minute television slots to make the case for his party in the election period, as opposed to the 40 minutes given to AKP chairman Tayyip Erdogan.

18. (SBU) Toker defended his party's values and said that although he has been teased for 13 years because people are hungry while he talks about human rights, he believes that history shows that people "first get their rights and freedoms and then they prosper."

19. (SBU) Despite LDP's status as a very small party, Toker claimed the DYP offered a coalition with LDP for the 2002 election; Toker refused. Toker portrayed this as a "what ifs" of history. DYP got 9.76% of the vote. Had a coalition pushed them over the threshold, they might have gotten 65-70 deputies and "changed the course of history." In the fall of 2006, he campaigned to convince other small parties to form a coalition irrespective of politics. He proposed dividing an estimated 60 seats based on the percentage of votes each party received. The formula would have favored the two largest vote-getters, the Motherland Party (ANAP) and the Democratic Left Party (DSP). Both proved reluctant to compromise. The DSP is in parliament through its coalition with the CHP, but Toker noted that the rest of the small parties are "out of the picture."

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